

Application No. 09/965,537
Amendment dated February 28, 2005
Reply to Office Action dated January 3, 2005

REMARKS

Claims 1-3, 8-9, and 11-20 are currently pending in the application.

The Examiner rejected claims 1-3, 8, 9, and 11-20 under 35 USC § 103(a) as being unpatentable over Nagahori et al. (USPN 5,896,213; hereinafter "Nagahori") in view of Geile et al. (USPN 6,336,201; hereinafter "Geile") and Liu et al. (USPN 5,485,465; hereinafter "Liu"). Applicant requests reconsideration of the application.

No Evidence In Record To Support Conclusion

The Examiner concludes on page 3 of the office action that it would have been obvious to one skilled in the art to use "optical cables to protect the optical signals traveling to the end user, since cables are well known forms of transmission lines in the art." Applicant notes the Examiner made this same statement in the office action dated March 1, 2004. In response to this statement in the March 1st office action, Applicant quoted Section 2144.03 of the MPEP, which states "[i]t is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence on which a rejection was based." The MPEP also states that "[o]rdinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See Lee, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); Zurko, 258 F.3d at 1386; 59 USPQ2d at 1697 (holding that general conclusions concerning what is 'basic knowledge' or 'common sense' to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection)." Id.

The Examiner, however, did not provide any evidentiary support in the record for his conclusion in the present office action.

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Combination Does Not Teach Or Suggest All Claim Limitations

The Manual of Patent Examining Procedure (MPEP) states the following in Section 2142:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant submits the combination of Nagahori with Geile and Liu does not render Applicant's claimed invention obvious, since the combination does not meet any of the three basic criteria listed above.

Independent claim 1 recites, in relevant part, "c) a first optical fiber cable that includes a plurality of N individual fibers optically coupled to a first output of the 1x2 element; wherein the number N of individual fibers corresponds to the number of end users; and d) a second optical fiber cable that includes a plurality of N individual fibers optically coupled to a second output of the 1x2 element...." Nothing found in the cited references teaches or suggests these elements.

Geile uses an optical fiber line (40) to transmit a signal to a 1xN splitter (38). Each optical distribution node (18) is then connected to one of the outputs of the splitter by an optical fiber line (42). Geile does not teach "a first optical fiber cable that includes a plurality of N individual fibers optically coupled to a first output of the 1x2 element" and "a second optical fiber cable that includes a plurality of N individual fibers optically coupled to a second output of the 1x2 element...."

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Liu teaches an apparatus (10) that includes a pair of communication ports (12, 14) through which the apparatus is connected to a second station in the network. An optical cable (16) connects to one of the communication ports while another optical cable (18) connects to the other communication port. Liu also does not teach "a first optical fiber cable that includes a plurality of N individual fibers optically coupled to a first output of the 1x2 element" and "a second optical fiber cable that includes a plurality of N individual fibers optically coupled to a second output of the 1x2 element...."

And finally, Nagahori does not teach "a first optical fiber cable that includes a plurality of N individual fibers optically coupled to a first output of the 1x2 element" and "a second optical fiber cable that includes a plurality of N individual fibers optically coupled to a second output of the 1x2 element...." Based on the foregoing, Applicant respectfully submits the combination of Nagahori, Geile, and Liu does not render Applicant's independent claim 1 obvious because the combination does not teach or suggest all of the elements in claim 1.

Independent claim 18 recites, in relevant part, "transmitting the broadcast signal through at least one of the first and second multi-optical-fiber cables; and delivering the broadcast signal to a respective user through a dedicated individual optical fiber in the at least one multi-optical-fiber cable that was used to transmit the broadcast signal." As discussed above, none of the references teach or suggest multi-optical-fiber cables. And none of the references teach or suggest "delivering the broadcast signal to a respective user through a dedicated individual optical fiber in the at least one multi-optical-fiber cable that was used to transmit the broadcast signal." Applicant therefore submits the combination of Nagahori, Geile, and Liu does not render Applicant's independent claim 18 obvious because the combination does not teach or suggest all of the elements in claim 18.

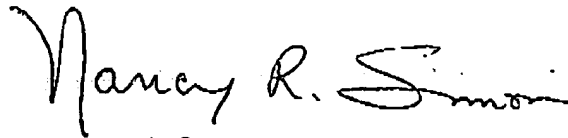
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If an independent claim is not rendered obvious by prior art, then any claim depending from the independent claim is not obvious. In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988) (see also M.P.E.P. § 2143.03). Therefore, claims 2, 3, 8, 9, 11-17, 19, and 20 are not rendered obvious by the combination of Nagahori with Geile and Liu.

In light of the amendments and discussion above, Applicant believes that all claims currently remaining in the application are allowable over the prior art, and respectfully requests allowance of such claims.

Respectfully submitted,

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